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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/088,935

07/15/2002

Mark Olijnyk

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4748

7590

09/16/2004

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EXAMINER

TIBBITS, PIA FLORENCE

ART UNIT

PAPER NUMBER

2838

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/088,935	<b>Applicant(s)</b> OLIJNYK ET AL.	
	<b>Examiner</b> Pia F Tibbits	<b>Art Unit</b> 2838	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/3/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office action is in answer to the preliminary amendment filed 7/15/2002. In the preliminary amendment applicant was silent regarding claim 3. To continue prosecution it was assumed claims 1-18 are pending.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the vehicle, the light emitting member, the electrochromic glass member, the driver must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

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3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter: "predetermined other functions"; "light emitting member"; "electrochromic **glass** member". See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction is required.

4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. For example, in "wire for each switched function such as for example, **an approach light**" needs to be defined.

#### ***Claim Objections***

5. Claim 4 objected to because of the following informalities: "said signals" lacks antecedence. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by **Kramer et al.** [hereinafter Kramer][5796176].

Kramer discloses in figures 1-11 a rear view mirror control circuit arrangement 22 for a vehicle 10 having at least two rear view mirror assemblies 14 each having a housing and respective motors 28 located external of said vehicle 10, said motors 28 adapted and mechanically coupled to mirror elements so as to control the position of said mirror element with respect to said vehicle, said control circuit arrangement comprising a common electronic control circuit 18 located internal of said vehicle 10 for controlling each said motor 28 [see also the abstract; column 4, lines 45-59; column 5, lines 20-21, and lines 34-40].

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With regard to predetermined other functions of the rear view mirror assembly, as best as it can be understood at this time, Kramer discloses that the vehicle memory mirror system incorporates the data processing functions, such as memory storage of multiple mirror positions [see also column 2, lines 24-28].

As to claim 2, the statement "said common electronic control circuit controls a motor located in a said rear view mirror assembly **located internal** of said vehicle" contradicts independent claim 1 reciting "two rear view mirror assemblies each having a housing and respective motors **located external** of said vehicle". Therefore the claim was interpreted in light of the disclosure, which describes "two rear view mirror assemblies each having housing and respective **motors located external of the vehicle**", while the "control circuit arrangement consists of a **common electronic control circuit located internal** of said vehicle. Kramer discloses the rear view mirror assembly control module 22 may be located in the vehicle door, under the dash, etc., which is internal of the vehicle [see also column 4, lines 58-59]. Kramer also discloses an interior rearview mirror 16, whose assembly would inherently be internal of the vehicle [see also column 4, line 50].

As to claim 3, the common electronic control circuit being co-located with other control elements of the vehicle: Kramer discloses that control module 22 may be associated with other vehicle control functions such as seat position control [see also column 4, lines 59-61].

As to claim 4, having a sensor sending signals to control the rear view mirror assembly : Kramer discloses sensors 82, 96 and 98 to control the rear view mirror assembly [see also column 7, lines 55-65].

As to claim 5, Kramer discloses heater 56 [see also column 7, line 53].

As to claim 6, the statement "light-emitting member" is confusing since mirrors do not emit light, they reflect light. To continue prosecution it was interpreted as light sensors, and Kramer discloses light sensors 96 [see also column 7, line 61].

As to claim 7, the statement "electrochromic **glass** member" was interpreted to mean that the reflective element could be an electro-optic device, such as an electrochromic mirror, which Kramer discloses [see also column 7, lines 14-16].

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As to claims 8-18, see remarks/rejections for claims 1-7 above.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related apparatus.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Pia Tibbits whose telephone number is (571) 272-2086. If unavailable, contact the Supervisory Patent Examiner Mike Sherry whose telephone number is (571) 272-2084. The Technology Center Fax number is (703) 872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFT

September 13, 2004

Pia Tibbits

Primary Patent Examiner

A handwritten signature in black ink, appearing to be 'Pia Tibbits', is written over the printed name and title.